GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute:—Industrial Dispute between the Workmen and the Management of M/S. S. K. Central Co-operative Wholesale Stores Ltd., Mangalore-1.

Award of the Labour Court, Mangalore,—Published.

Read the following papers:

1. Letter No. (ID) 15/70-71 dated 8th December 1970 from Sri Mohd. Hameeduddin Khan, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT, MANGALORE

Dated 8th December 1970.

Reference (ID) (LCM) No. 15/1970

Present

Mohd. Hameeduddin Khan, B.sc., LL.B., Presiding Officer

Between.—

The workmen represented by the Secretary, S. K. Automobile, and Engineering Workers' Mangalore.

.... *I Party*

and

The management of M/s S. K. Central co-operative Wholesale Stores Ltd., Mangalore-1.

II Party

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s S. K. Central Co-operative Wholesale Stores Ltd., Mangalore 1 referred it under Sec. 10(1)(c) of the Industrial Dispute Act, 1947 *vide* Order No. FCL 153 LLD 70 dated 21-4-1970 to this Labour Court at Mangalore for adjudication on the following points of dispute :

"I. Is the management of the S. K. Central Co-operative Wholesale Stores, Ltd., Mangalore-1. Justified in terminating the services of Sri K. Thaniappa, Lorry Driver with effect from 30-4-1969?

II. If not, to what relief is the worker entitled to?

2. On receipt of the reference on 23rd April 1970 it was registered as Reference (ID) (LCM) No. 15 of 1970 on the file of this Court, and notices were issued to both the parties to file their claim and counter statements. The I Party is represented by Sri P. M. N. Moorthy. On 21st May 1970 Sri U. P. Mallya, Advocate filed authorisation in favour of Sri T. S. Pai to represent the II Party. But on 25th June 1970 Sri G. K. Shevgoor, Advocate, filed authorisation to represent the II Party. The claim statement of the I Party was filed on 11th June 1970. and the counter statement of the II Party was filed on 11th August 1970. The following additional issues were framed on 11th August 1970 apart from the points of dispute in view of the pleadings:

1. Whether the present dispute is an industrial dispute and is the reference maintainable?

2. Whether the I Party union is competent to represent the workman in this reference?

3. Whether the I Party workman joined the II Party management on 7th January 1965 on a scale of Rs. 80-3-140 as stated in the claim statement?

4. Whether the termination of the service of the I Party workman was motivated by *mala fide* intentions?

or

Whether it was decided by the Managing Committee of the II Party to sell the lorry bearing Registration No. MYX 6098 which was being driven by the I Party driver on account of its maintenance being uneconomical in the interest of the society of the II Party? If so, what will be its effect on this reference?

5. What award?

Thereafter both the parties took adjournments for evidence or for settlement. Today, *i.e.*, 8th December 1970. the I Party workman is present in person, and Shri G. K. Shevgoor appeared for the II Party. Both of them filed a Joint Memo of Settlement. The worker admitted his signature on the joint memo, and Sri G. K. Shevgoor, Advocate, also admitted his signature on the Joint memo. Therefore, it was recorded. As per this Joint memo the I Party is to get in all Rs 3,089-77 (Rupees three thousand eighty nine and paise seventy seven only) from the II Party towards Security deposit, interest on security deposit, Provident Fund, retrenchment compensation, leave salary, payment for night halts. payment for work on holidays and bonus for 1968-69 and the I Party is to withdraw the dispute and give up all claims against the II Party including claim for reinstatement and back wages, and that the above payment shall be in full and final settlement. and further that the II Party shall pay the above sum to the I Party within one month from the date of the award. It was prayed to pass an award accordingly. In my view this settlement is just, fair and seasonable. Hence accepting the terms of the Joint memo of settlement, I make the following award :

AWARD

An award is passed in terms for the Joint memo of settlement, copy of which shall form part of this award. No order as to costs.

Mangalore

Dated 8th December 1970.

MOHD. HAMEEDUDDIN KHAN,
Presiding Officer,
Labour Court, Manglore.

BEFORE THE LABOUR COURT, MANGALORE.
Reference (ID) (LCM) No. 15 of 1970.

Between :

The workmen represented by the Secretary, S. K. Automobile and Engineering Workers' Union, Mangalore. *Ist Party.*

and

The Management of S. K. Central Co-operative Wholesale Stores Ltd., Mangalore. *II Party.*

Joint Memo.

The parties to the above dispute beg to submit as follows :—

1. That they have amicably settled the dispute.

2. That an award may be passed on the following terms :—

The II Party to pay the I Party workman the following amounts

	Rs. Ps.
(a) Security Deposit	250-00
(b) Interest on Security Deposit	23-00
(c) Provident fund	1,012-42
(d) Retrenchment compensation @ 15 days salary per year for total service of 4 years, 3 months and 22 days.	472-00
(e) Leave salary for 90 days :	654-00
(i) For 30 days as per pay as on 30-6-67. - Rs. 197	
(ii) do as on 30-6-68 Rs. 221	
(iii) do as on 30-6-69 Rs. 236	
Rs. 654	
(f) Payment for night halts @ Rs.1-50 per day. ...	112-50
(g) Payment for work on holidays ...	340-85
(h) Bonus for 1968-69 as declared ...	225-00
Total ...	Rs. 3,089-77

(Rupees Three thousand eighty nine and paise seventy seven only).

3. That in consideration of the above the I Party withdraws the dispute and gives up all claims against the II Party including claim for reinstatement and back wages and the above payment shall be in full and final settlement.

4. The second party shall pay the above sum to the first party within one month from the date of the award.

5. Pray that the court may be pleased to pass an award accordingly.

Mangalore, Sd- (K. Thaniappa) First Party. Sd- (G. K. Shevgoor) Rep. for Second Party.

Dated : 8-12-70.

Recorded. File.

(Sd.) MOHD. HAMEEDUDDIN KHAN,
Presiding Officer.
Labour Court, Mangalore.
8-12-1970.

"COPY"

MD. HAMEEDUDDIN KHAN,
Presiding Officer,
Labour Court, Mangalore.